

**NOV 18 2005****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PEDRO VALDEZ-LOPEZ,

Defendant - Appellant.

No. 05-50014

D.C. No. CR-04-00079-SJO-01

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

Pedro Valdez-Lopez appeals his 21-month sentence imposed following a guilty plea to assault of a federal officer, in violation of 18 U.S.C. § 111(a)(1)(b).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Valdez-

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Lopez has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Valdez-Lopez has not filed a pro se supplemental brief and the government has not filed an answering brief.

Because our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Valdez-Lopez knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (noting that the changes in sentencing law imposed by *United States v. Booker*, 125 S. Ct. 738 (2005), did not render waiver of appeal involuntary and unknowing).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.